

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

MMODAL SERVICES LTD.,

Plaintiff,

v.

NUANCE COMMUNICATIONS, INC.,

Defendant.

NUANCE COMMUNICATIONS, INC.,

Counterclaim Plaintiff,

v.

MMODAL SERVICES LTD.,
MULTIMODAL TECHNOLOGIES, LLC,
MULTIMODAL TECHNOLOGIES, INC.,
MMODAL IP LLC, MMODAL, INC., and
MMODAL LLC.

Counterclaim Defendants.

CIVIL ACTION NO.

1:18-cv-00901-WMR

JOINT NOTICE REGARDING SPECIAL MASTER

Consistent with the Court's guidance during the Telephone Conference on May 6, 2019 (*see* Dkt. No. 127), Plaintiff and Counterclaim Defendant MModal Services Ltd. ("MModal") and Defendant and Counterclaim Plaintiff Nuance Communications, Inc. ("Nuance"), hereby provide notice to the Court of their agreement that William H. Needle¹ would be an acceptable special master for the above-captioned matter. The parties are amenable to the appointment of a special master (subject to the Court's approval) at this time, but agree that *Markman* proceedings should not occur until after the current stay (*see* Dkt. No. 122) is lifted. Attached as Exhibit A is Mr. Needle's current curriculum vitae. The parties have further agreed to share Mr. Needle's reasonable fees and costs equally.

The parties are available to discuss the appointment of a special master should the Court have any questions.

Dated: October 30, 2019

Respectfully Submitted,

/s/ David K. Callahan

/s/ Charles A. Pannell, III

¹ <https://www.jamsadr.com/needle/>

David K. Callahan (*pro hac vice*)
Surendra K. Ravula (*pro hac vice*)
LATHAM & WATKINS LLP
330 North Wabash Avenue, Suite 2800
Chicago, IL 60611
Telephone: (312) 876-7700
Facsimile: (312) 993-9767
david.callahan@lw.com
surendra.ravula@lw.com

Kevin C. Wheeler (*pro hac vice*)
Gabriel K. Bell (*pro hac vice*)
Holly K. Victorson (*pro hac vice*)
LATHAM & WATKINS LLP
555 Eleventh Street, Suite 1000
Washington, D.C. 20004
Telephone: (202) 637-2200
Facsimile: (202) 637-2201
kevin.wheeler@lw.com
gabriel.bell@lw.com
holly.victorson@lw.com

Mitchell G. Stockwell
Georgia Bar No. 682912
Charles A Pannell, III
Georgia Bar No. 141535
KILPATRICK TOWNSEND & STOCKTON LLP
1100 Peachtree Street, Suite 2800
Atlanta, GA 30309
Telephone: (404) 815-6500
Fax: (404) 815-6555
mstockwell@kilpatricktownsend.com
cpannell@kilpatricktownsend.com

David J. Lender (*pro hac vice*)
Anish R. Desai (*pro hac vice*)
Sudip Kundu (*pro hac vice*)
WEIL GOTSHAL & MANGES LLP
767 Fifth Avenue
New York, NY 10153
Telephone: (212) 310-8000
david.lender@weil.com
anish.desai@weil.com

Stephen D. O'Donohue (*pro hac vice*)
LATHAM & WATKINS LLP
885 Third Avenue
New York, NY 10022
Telephone: (212) 906-1200
Facsimile: (212) 751-4864
stephen.odonohue@lw.com

Alison Haddock Hutton (GaBN 402448)
L. Norwood Jameson (GaBN 003970)
Alice E. Snedeker (GaBN 151066)
DUANE MORRIS LLP
1075 Peachtree Street NE, Suite 2000
Atlanta, GA 30309-3929
Telephone: (404) 253-6900
Facsimile: (404) 253-6901
ahbutton@duanemorris.com
wjameson@duanemorris.com
aesnedeker@duanemorris.com

Anthony J. Fitzpatrick (*pro hac vice*)
Christopher S. Kroon (*pro hac vice*)
Michael R. Gottfried (*pro hac vice*)
DUANE MORRIS LLP
470 Atlantic Avenue
Boston, MA 02478
Telephone: (857) 488-4200
Facsimile: (857) 488-4201
ajfitzpatrick@duanemorris.com
cskroon@duanemorris.com
mrgottfried@duanemorris.com

*Counsel for Plaintiff and Counterclaim
Defendants MModal Services Ltd.,
Multimodal Technologies, LLC,
Multimodal Technologies, Inc., MModal
IP LLC, MModal, Inc., and MModal
LLC*

Doug W. McClellan (*pro hac vice*)
Rene E. Mai (*pro hac vice*)
Ilya Svetlov (*pro hac vice*)
**WEIL GOTSHAL & MANGES,
LLP**
700 Louisiana, Suite 1700
Houston, TX 77002-2784
Telephone: (713) 546-5000
doug.mcclellan@weil.com
rene.mai@weil.com
ilya.svetlov@weil.com

Stephen P. Bosco (*pro hac vice*)
**WEIL GOTSHAL & MANGES,
LLP**
2001 M Street, NW
Suite 600
Washington, DC 20036
Telephone: (202) 682-7000
stephen.bosco@weil.com

*Counsel for Defendant and
Counterclaim Plaintiff Nuance
Communications, Inc.*

CERTIFICATE OF COMPLIANCE

Pursuant to LR 7.1D, the undersigned counsel certify that the foregoing has been prepared in Times New Roman 14 point, one of the fonts and points approved by the Court in LR 5.1C.

/s/ Charles A. Pannell, III
Charles A. Pannell, III

CERTIFICATE OF SERVICE

I hereby certify that on October 30, 2019, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will automatically send email notification of such filing to all counsel of record.

/s/ Charles A. Pannell, III
Charles A. Pannell, III